

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YI SUN,

Plaintiff,

NOTICE OF REMOVAL

-against-

19-CV-10858

HEATHER J. SASLOVSKY, ESQ. & MANHATTAN JUVENILE RIGHTS OFFICE OF THE LEGAL AID SOCIETY, MARGARET O'MARA, MS. TIFFANY SYLVESTRE, PHY. D., MANHATTAN FAMILY COURT, MR. CLARK RICHARDSON, MR. PHILIP SCHIFFE, ESQ., ZIWEI RAN; JOANN STROMAN & FORESTDALE, NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES, MS. NICOLE RICHARDS, MS. KATRINA GUERRERO, MS. KIRA LECZNAR, ESQ., MRS. FOSTER; MR. JESSE ALMONTE, MS. ZULMA MONTANEZ ET. AL., NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT, MR. RANTIDEVA SINGH, MS. MARYBETH S. ROCHROATH AND/OR QUEENS FAMILY COURT, MS. JOANN STROMAN, FORESTDALE, LI DA SUN, HUGH H. MO & THE LAW FIRM OF HUGH H. MO, P.C., TSAI CHUNG CHAO, M.D., MICHAEL A. SONKIN, MARTIN CLEARWATER & BELL LLP, NEW YORK CITY POLICE DEPARTMENT, HAMILTON COLLEGE,

New York County Supreme
Court
Index No. 101501/2019

Defendants.

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**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendants, the New York City Administration for Children's Services and the New York City Police Department, by their attorney, James E. Johnson, Corporation Counsel of the City of New York, in accordance with 28 U.S.C. §§ 1441 (a) and (c) and 1446, respectfully move in this Court as follows:

1. Plaintiff commenced the above-captioned action in the Supreme Court of the State of New York, County of New York, on September 26, 2019 by filing a Summons and Complaint bearing Index No. 101501/2019. See Summons and Complaint annexed hereto as **EXHIBIT A**.

2. Plaintiff filed a Summons and Amended Complaint (hereinafter “Amended Complaint”) on or about October 22, 2019. See Summons and Amended Complaint annexed hereto as **EXHIBIT B**.

3. On October 25, 2019, an envelope containing the Summons and Amended Complaint was received by mail at the New York City Police Department located at 1 Police Plaza, New York, New York 10007.

4. The within Notice of Removal is hereby filed within thirty (30) days of receipt of Plaintiff’s Amended Complaint.

5. This action is removable to the United States District Court for the Southern District of New York Court pursuant to 28 U.S.C. §§ 1441 (a) and (c) because the Amended Complaint alleges that Plaintiff’s rights were violated under 42 U.S.C. § 1983, First Amendment, Fourth, and Fourteenth Amendment of the United States Constitution (procedural and substantive due process violations alleged). See Exhibit B, p. 12 ¶ 21, p. 19 ¶ 10, p. 55.

6. This Court has original jurisdiction of the foregoing federal claim under the provisions of 28 U.S.C. § 1331.

7. Upon information and belief, twenty of the twenty-two defendants in this action are in receipt of Plaintiff’s Summons and Amended Complaint. Based upon the affidavits of service that have been filed with the New York County Supreme Court the following

defendants have not been sent and/or served with a copy of the Amended Complaint: (i) Ziwei Ran, (ii) Li Da Sun, (iii) Li Yao Sun, and (iii) Mrs. Foster.

8. The remaining defendants join in this request to remove this action from New York County Supreme Court to the United States District Court for the Southern District of New York. Additionally, each defendant reserves the right to contest the adequacy of service of Plaintiff's Amended Complaint.

NOTICE OF RELATED PENDING ACTIONS

9. Plaintiff's Amended Complaint includes causes of action that span several decades and encompasses dozens of unrelated incidents. Nonetheless, Plaintiff has conceded that she has filed two prior federal actions arising out of some of the same incidents and occurrences. See Exhibit B, p. 17 ¶ 3. Plaintiff's prior federal actions were both commenced in the United States District Court for the Southern District of New York bearing docket numbers 18-CV-11002 (LTS)(SN) and 19-CV-00017(ALC).

10. Plaintiff's first related federal action was commenced November 26, 2018. Yi Sun V. New York City Police Department, New York City Administration For Children's Services, Hugh H. Mo & The Law Firm Of Hugh H. Mo. P.C. 2019 U.S. Dist. LEXIS 181011 (S.D.N.Y. Oct. 17, 2019). Currently, the defendants have fully dispositive motions to dismiss Plaintiff's complaint pending before the Honorable Laura T. Swain. Plaintiff has filed two appeals of orders issued by the Court to the United States Court of Appeals for the Second Circuit bearing docket numbers 19-1087 and 19-2459.

11. Plaintiff's second related federal action was commenced January 2, 2019. Yi Sun v. Anthony C. Ofodile, Esq and Ofodile & Associates, Appellate Division, First Judicial Department, Supreme Court of the State of New York, Carmen Victoria St-George, Part 34 of

New York Supreme Court, Charles L. Bardes, M.D. & Profess of Clinical Medicine, Weill Medical College, Det Maddy Acevedo & Manhattan Special Victims Squad of NYPD, Michael A. Sonkin and Martin Clearwater & Bell LLP, Hugh H. Mo, Office of Professional Medical Conduct, State of New York Department of Health, State of New York Commission on Judicial Conduct, Supreme Court of New York, New York County, Supreme Court, Appellate Division; First Judicial Department; Departmental Disciplinary Committee, Tsai Chung Chao, M.D. and Naturo-Medical Health Care, P.C., 2019 U.S. Dist. LEXIS 10256 (S.D.N.Y. Jan. 19, 2019). By Order dated January 18, 2019, the Honorable Andrew L. Carter *sua sponte* dismissed Plaintiff's 93-page complaint. Plaintiff appealed this dismissal to the United States Court of Appeals for the Second Circuit. By Order dated August 16, 2019, Plaintiff's appeal was dismissed as it "lacks an arguable basis either in law or in fact." The Second Circuit further warned Plaintiff that "the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers could result in the imposition of a sanction that would require Appellant to obtain permission from the Court prior to filing a further submission in this Court."

12. The allegations in Plaintiff's Amended Complaint involving the New York City Administration for Children's Services, New York City Police Department, The Law Firm of Hugh H. Mo, P.C., and various employees/clients thereof are almost identical to the pending action before Judge Swain as both actions arise from the same transactions and events within the meaning of Rule 50.3.1 of the Southern District Rules for the Division of Business Among District Judges.

13. Similarly, the allegations in Plaintiff's Amended Complaint involving various Justices of the New York Supreme Court, state agencies, private entities, and various employees thereof are related to the action previously dismissed by Judge Carter. Therefore, this action

arises from the same transactions and events within the meaning of Rule 50.3.1 of the Southern District Rules for the Division of Business Among District Judges

14. Notably, Plaintiff has also commenced prior actions in state court against several of the named defendants. Many of these prior state court actions have been resolved either by the trial court or the appellate division of the State of New York.

15. This office will promptly serve a copy of this Notice of Removal on Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, pursuant to 28 U.S.C. §1446(d).

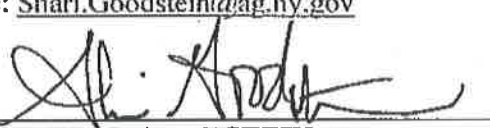
16. All defendants reserve all claims and defenses, including, without limitation, those set forth in Rule 12(b) of the Federal Rules of Civil Procedure.

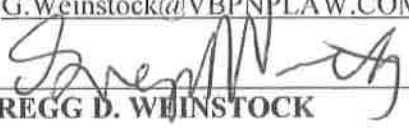
WHEREFORE, the New York City Administration for Children's Services and the New York City Police Department respectfully request that the above-captioned action now pending in the Supreme Court of the State of New York, County of New York, be removed therefrom to this Court.


Dated: New York, New York
November 22, 2019

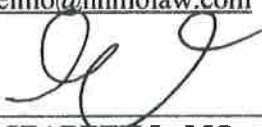
Yours,
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Thais R. Ridgeway
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<p>JONATHAN FELLOWS</p>	<p>/S/ Christopher d. Skoczen* CHRISTOPHER D. SKOCZEN *consent by attached email</p>

Ridgeway, Thais (Law)

From: Ridgeway, Thais (Law)
Sent: Friday, November 22, 2019 5:27 PM
To: 'Christopher Skoczen, Esq.'
Cc: Rachel Aghassi, Esq.
Subject: RE: Signature/Consent | Yi Sun - Action Removal on Consent from NY County to SDNY

Thank you. This email is to confirm that I will be including your e-signature to consent to removal of this action.

Thais Ridgeway, Esq.
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From: Christopher Skoczen, Esq. [mailto:cskoczen@fkblaw.com]
Sent: Friday, November 22, 2019 5:25 PM
To: Ridgeway, Thais (Law)
Cc: Rachel Aghassi, Esq.
Subject: RE: Signature/Consent | Yi Sun - Action Removal on Consent from NY County to SDNY

Thanks Thais. Please use my e signature - /s/ Christopher D. Skoczen. Thanks for your help. Best, Chris



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BY HAND